

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: G. Gobeli

Continuation of  
Serial No.: 08/873,999

Parent Appln  
Filed: June 12, 1997

For: METHOD AND DEVICE FOR GLUCOSE CONCENTRATION  
MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD  
GLUCOSE DETERMINATIONS

**DECLARATION OF CHARLES R. HOFFMAN**

Asst. Commissioner for Patents  
Washington, D.C. 20231  
**BOX PATENT APPLICATION**

Dear Sir:

It is hereby declared by the undersigned that the attached is a true copy of his file copy of the specification, claims and drawings of the application entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", Serial No. 08/873,999, filed June 12, 1997, and the documents entitled: Verified Statement Claiming Small Entity Status; Declaration and Power of Attorney; Petition For Filing By Other Than The Inventor Under 37 C.F.R. § 1.47(b); Decision According Status Under 37 CRF 1.47(a); Form PTO-1595 Recordation Form Cover Sheet; Assignment; Information Disclosure Citation; and Supplemental Information Disclosure Citation, that he believes said file copy is a true copy of the original of said documents, said originals having been placed in the custody of and retained by the United States Patent and

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520 443 0570 -> CAHILL SUTTON; Page 2

JUN-08-2001 12:54 PM CHARLES HOFFMAN

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Sent by: CAHILL SUTTON

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Trademark Office upon the filing of said application.

That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 8, 2001

Date



Charles R Hoffman, Reg. No. 26,556

CAHILL, SUTTON & THOMAS P.L.C.  
155 Park One  
2141 East Highland Avenue  
Phoenix, Arizona 85016  
Telephone (602) 956-7000

Docket No.  
5899-A-01

DECLARATION AND POWER OF ATTORNEY

As President of TecMed, Incorporated, which the invention rightfully belongs, I declare that the information given herein is true, and that I believe Garth W. Gobeli, last of 1004 Warm Sands Trail, SE., Albuquerque, New Mexico 87123, is the original, first and sole inventor of the invention described in the specification of the patent application entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS, Serial No. 08/873,999, filing date 6/12/97:

My residence, post office address and citizenship are as stated below next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed  
[ ] [ ]  
Yes No

(Number) (Country) (Day Month Year filed)

**Yes**                    **No**

(Number) (Country) (Day Month Year filed)

[ ] Yes [ ] No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Charles R. Hoffman, Reg. No. 26,556; William C. Cahill,  
Reg. No. 19,742; C. Robert von Hellens, Reg. No. 25,714;  
Marvin A. Glazer, Reg. No. 28,801; and  
Thomas G. Watkins, III, Reg. No. 27,964;

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to: Charles R. Hoffman (602) 956-7000

Address all correspondence to:

CAHILL, SUTTON & THOMAS P.L.C., ATTN: Charles R. Hoffman  
2141 East Highland Avenue, 155 Park One, Phoenix, Arizona 85016

Wherefore I pray that Letters Patent be granted to TecMed, Incorporated for the invention or discovery described and claimed in the above-identified patent application.

Full name of sole inventor:	Garth W. Gobeli
Last Known Residence:	1004 Warm Sands Trail, SE Albuquerque, New Mexico 87123
Post Office Address:	Same
Citizenship:	U.S.A.

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Full name of person signing:	Alan J. Leszinske
Title of Person signing:	President
Residence address of Person signing:	TecMed, Incorporated 938 Camino del Rio NW Albuquerque, New Mexico 87114
Post Office Address:	Same
Citizenship:	U.S.A.

Signature X Alan J. Leszinske Date March 6, 1998  
Alan J. Leszinske, President

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Garth W. Gobeli Attorney's Docket No.  
5899-A-01

Serial or Patent No.: 08/873,999

Filed or Issued: June 12, 1997

For: **METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH  
SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATION**

I hereby declare that I am:

- the owner of the small business concern identified below:  
 an official of the small business concern and am empowered to act  
on behalf of the concern identified below:

NAME OF CONCERN: TECMED, INCORPORATED  
ADDRESS OF CONCERN: 5012 Copper Blvd, N.E.  
Albuquerque, New Mexico 87108

I hereby declare that the above-identified small business concern qualifies  
as a small business concern as defined in 13 CFR §121.3-18, and reproduced  
in 37 CFR §1.9(d), for purposes of paying reduced fees under Section 41(a)  
and (b) of Title 35, United States Code, in that the number of employees of  
the concern, including those of its affiliates, does not exceed 500  
persons. For purposes of this statement, (1) the number of employees of  
the business concern is the average over the previous fiscal year of the  
concern of the persons employed on a full-time, part-time or temporary  
basis during each of the pay periods of the fiscal year, and (2) concerns  
are affiliates of each other when either, directly or indirectly, one  
concern controls or has the power to control the other, or a third party or  
parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to  
and remain with the small business concern identified above with regard to  
the above-entitled invention by inventor(s) Garth W. Gobeli described in:

- the specification filed herewith  
 application Serial No. 08/873,999, filed June 12, 1997  
 Patent No.                 , issued

If the rights held by the above-identified small business concern are not  
exclusive, each individual, concern or organization having rights to the  
invention is listed below and no rights to the invention are held by any  
persons, other than the inventor, who could not qualify as a small business  
concern under 37 CFR §1.9(d) or by any concern which would not qualify as a  
small business concern under 37 CFR §1.9(d) or a nonprofit organization  
under 37 CFR §1.9(e). \*Note: Separate verified statements are required  
from each named person, concern or organization having rights to the

invention averring to their status as small entities. (37 CFR §1.27)

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

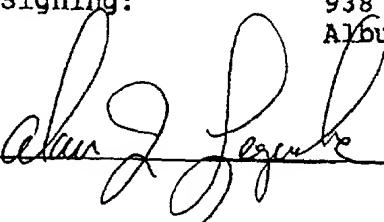
Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Alan J. Leszinske

Title of Person Other than Owner: President

Address of Person Signing:  
  
938 Camino del Rio N.W.  
Albuquerque, New Mexico 87114

Signature: Alan J. Leszinske Date: March 6, 1998

ASSIGNMENT

This Assignment is made and executed this 23rd  
day of April, 2001, by and between:

GARTH W. GOBELI	)	
An individual residing at	)	Hereinafter referred
1004 Warm Sands Trail, S.E.	)	to as "ASSIGNOR"
Albuquerque, New Mexico 87123	)	
	and	
TECMED, INCORPORATED	)	
a New Mexico Corporation	)	Hereinafter referred
having a principal place	)	to as "ASSIGNEE"
of business at	)	
5012 Copper Blvd., N.E.	)	
Albuquerque, New Mexico 87108	)	
	)	
	)	

W I T N E S S E T H:

WHEREAS, ASSIGNEE is the inventor of the improvements described and claimed in the application for United States Letters Patent Serial No. 08/873,999, filed June 12, 1997 and entitled "METHOD AND DEVICE FOR GLUCOSE CONCENTRATION MEASUREMENT WITH SPECIAL ATTENTION TO BLOOD GLUCOSE DETERMINATIONS", hereinafter referred to as "PATENT RIGHTS";

WHEREAS, ASSIGNEE desires to assign his right, title and interest in and to the above-identified PATENT RIGHTS to ASSIGNEE.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged:

1. ASSIGNEE does hereby sell and assign to ASSIGNEE, its successors and assigns, his entire right, title and interest in and to the improvements described and claimed in the above-identified PATENT RIGHTS, including: (a) any and all domestic and foreign patents and applications therefor based upon said improvements; (b) any and all divisions, reissues, continuations, and extensions based upon the above-identified patents and applications therefor; and (c) any and all rights of priority resulting from the filing of any of the above-identified

patent applications in the United States or any foreign country.

2. ASSIGNOR hereby authorizes and requests any official whose duty it is to issue patents to issue any patent or any reissued patent which may be based upon the improvements described and claimed in the above-identified PATENT RIGHTS to ASSIGNEE or its successors or assigns.

3. ASSIGNOR hereby agrees upon request and without further consideration, but at the expense of ASSIGNEE: (a) to communicate to ASSIGNEE, or its representatives or nominees, any facts known to ASSIGNORS relating to the above-identified PATENT RIGHTS; (b) to testify in any legal proceeding relating to the above-identified PATENT RIGHTS; (c) to sign and execute all lawful papers and to make all lawful oaths relating to the above-identified PATENT RIGHTS, including documents relating to divisional, continuing, reissue and foreign applications; and (d) to perform all acts reasonably necessary to aid ASSIGNEE, its successors, assigns and nominees in obtaining and enforcing patent protection in the United States and foreign countries covering those improvements described and claimed in the above-identified PATENT RIGHTS.

23 April '01

Date

GARTH W. GOBELI

GARTH W. GOBELI

STATE OF NEW MEXICO )  
                         ) ss.  
County of Bernalillo)

On this 23<sup>rd</sup> day of April, 2001,  
before me, the undersigned, personally appeared GARTH W. GOBELI  
known to me to be the person whose name is subscribed to the  
within instrument, and acknowledged to me that he executed the  
foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and  
official seal.

Thomas J. Jones  
Notary Public

My Commission Expires:

January 27, 2004